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15-CR-537 (VEC)

ORDER

VALERIE CAPRONI, United States District Judge:

WHEREAS on June 25, 2020, Defendant filed a § 2255 petition to vacate his § 924(c) conviction in light of *United State v. Davis* (Dkt. 1506);

WHEREAS on July 24, 2020, the Government indicated that it did not intend to oppose Defendant's petition (Dkt. 1523);

IT IS HEREBY ORDERED:

- 1. Defendant's conviction is VACATED.
- 2. Defendant's § 2255 petition is DISMISSED as moot.

The Clerk of Court is respectfully directed to close the open motion at docket entry 1506 in 15-cr-537 and close the corresponding civil case (20-CV-4967).

SO ORDERED.

Date: December 10, 2020

New York, NY

VALERIE CAPRONI

United States District Judge